IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA, 1928.

WP(C).No. 34566 OF 2006(M)

PETITIONER:

M/S. CEE JEE LUBRICANTS,
DOOR NO.VI/592, INDUSTRIAL DEVELOPMENT AREA,
EDAYAR, BINANIPURAM (P.O),ALUVA,REPRESENTED BY ITS PROPRIETOR, C.J. ANTO, S/O. JOSEPH.

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENTS:

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1. COCHIN SHIPYARD LTD.,
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR,
P.O.NO.1653, COCHIN-682015.

2. THE DEPUTY GENERAL MANAGER (S & S),
COCHIN SHIPYARD LTD., P.O.NO.1653, COCHIN-682015.

3. M/S. SOUTHERN REFINERIES (P) LTD.,
PARASALA (P.O), THIRUVANANTHAPURAM.

S.C. FOR COCHIN SHIPYARD LTD. SRI. E.K. NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN, J.

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W.P.(C) NO. 34566 OF 2006

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DATED THIS, THE 2ND DAY OF JANUARY, 2007

J U D G M E N T

Petitioner was one among the competitors for the award of the contract. After the tenders were opened it was found that the amount quoted by the third respondent was the highest. Thereafter, petitioner has preferred Ext.P7 request to the Deputy General Manager, Cochin Shipyard, stating that he is willing to offer higher amount than the highest offer received in sealed tenders. According to the petitioner, being a public sector undertaking, if highest amounts are offered, it will naturally be in the larger interest of the public.

2. The standing counsel appearing on behalf of the Shipyard submitted that the awarding of contract in this case was following a particular method namely, sealed tenders and as such there is no scope for any negotiation. If the contention of the petitioner is accepted, the whole process so far undertaken by inviting sealed tenders will be rendered useless. As such there is no legal right conferred on the petitioner nor is it

obligatory for the respondents to consider Ext.P7 especially when almost the process of awarding the contract is over.

3. Heard both sides. In the factual situation, it can be seen that it was after inviting tenders in sealed covers the contract was to be awarded based on tenders invited. The tenders had to be submitted in sealed covers so that the secrecy is maintained and until at the time it is opened, one can not know the highest offer. Once the third respondent has already offered the highest amount, a right is conferred on him to accept his tender unless the whole tenders are rejected for any valid reason by the tenderer. Therefore, after the process is completed the petitioner cannot as of right claim any relief. However, it is for the respondents to consider whether the request in Ext.P7 has to be acceded or not. They may give a reply to Ext.P7.

The writ petition is disposed of as above.

P.R. RAMAN,
JUDGE.

knc/-